

SENATE STAFF ANALYSIS AND ECONOMIC IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

BILL: CS/SB 128

SPONSOR: Appropriations Subcommittee on Education and Senator Pruitt

SUBJECT: Tuition/Residency/National Guard

DATE: February 19, 2002 REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Matthews</u>	<u>O'Farrell</u>	<u>ED</u>	<u>Fav/1 amendment</u>
2.	<u>Wilson</u>	<u>Wilson</u>	<u>GO</u>	<u>Favorable</u>
3.	<u>Bryant</u>	<u>Hickam</u>	<u>AED</u>	<u>Favorable/CS</u>
4.	_____	_____	<u>AP</u>	_____
5.	_____	_____	_____	_____
6.	_____	_____	_____	_____

I. Summary:

The bill provides that members of the Florida National Guard who meet the requirements for the tuition assistance program at Florida's public postsecondary institutions, as created by s. 250.10(7), F.S., must be classified as state residents for tuition purposes.

This bill amends s. 240.1201, F.S.

The committee substitute names the act for Sergeant Larry Bowman. Sergeant Bowman was a former Army minister and Lake county resident who had recently relocated to New York City and had taken a job as a security officer in the World Trade Center. Sergeant Bowman gave his life on September 11, 2001, assisting others who were fleeing the building.

II. Present Situation:

The criteria for determining the residency status of students in public postsecondary education institutions for tuition purposes are contained in s. 240.1201, F.S. The law establishes general residency requirements for such purposes and creates separate categories of persons who must be classified as state residents for tuition purposes. The categories include active duty members of the United States Armed Services residing or stationed in Florida and their spouses and dependent children; and active duty members of the United States Armed Forces and their spouses attending a state university or community college within 50 miles of the military establishment where they are stationed, if the military establishment is in a county contiguous to Florida.

The 2001-2002 average annual total full-time resident cost of matriculation and fees in the State University System is \$2,551, and the total full-time non-resident cost of matriculation, tuition,

and fees is \$10,438.60. The State Community College System costs are \$1,525.45 for residents and \$5,623.81 for non-residents.

Section 250.10(7), F.S., requires the Adjutant General of the Florida National Guard, the Board of Regents, the State Board of Community Colleges, and the State Board of Education to design and develop a tuition assistance program, including rules for implementing and reviewing the program, for active members in good standing of the guard who enroll in a state community college or university.

Section 250.10(8), F.S., directs the Department of Military Affairs to administer the tuition assistance program. Members of the guard are exempt from payment of one-half of tuition and fees subject to the following conditions:

- Participation in the program is limited to 10 years from the date of initial enrollment, or until graduation or the full-time or part-time student terminates enrollment, whichever occurs earlier.
- Guard members are to be admitted on a space-available basis.

Subject to an annual appropriation in the General Appropriations Act, the Department of Military Affairs may pay the full cost of tuition and fees for required courses for guard members if a member is unable to gain admittance on a space-available basis and, at least on one previous occasion, the member was denied admission to the required course. The Department of Military Affairs is also authorized, subject to appropriations, to pay the full cost of tuition and fees for required courses for members of the guard who enlisted after June 30, 1997.

The FY 2000-2001 General Appropriations Act provided \$1,758,315 to the Department of Military Affairs for the tuition assistance program. For the 2000-2001 academic year, the Florida National Guard had 1,331 members participating in the tuition assistance program. Of those participating members, 34 were classified as non-residents for which the guard paid an additional \$112,000. The guard estimates that by classifying the 34 non-resident guard participants as residents for tuition purposes, the guard could have enrolled another 70 members in the tuition assistance program. The tuition assistance program has helped the guard recover from a period when it could not meet recruiting quotas to a position of national leadership in enlisting new members.

Section 240.235, F.S., directs the Board of Regents to exempt one-half of all tuition and course related fees for guard members participating in the tuition assistance program. The Division of Colleges and Universities reported that for the 2000-2001 academic year, 700 fee waivers totaling \$351,777 were provided to 477 guard members. Section 240.35, F.S., requires community colleges to waive fees for Florida National Guard members participating in the tuition assistance program. The Division of Community Colleges reported that for the 2000-2001 academic year, fee waivers totaling \$351,867 were provided to guard members.

III. Effect of Proposed Changes:

The bill enables members of the Florida National Guard who meet eligibility requirements for participation in the tuition assistance program administered by the Department of Military

Affairs to be classified as Florida residents for tuition purposes. This classification allows the department to avoid the additional cost of out-of-state tuition for some members and maximize its annual appropriation for the tuition assistance program.

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IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Economic Impact and Fiscal Note:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

Classifying all Florida National Guard members as state residents for tuition purposes would allow more members to participate in the Department of Military Affairs tuition assistance program.

C. Government Sector Impact:

The bill would not necessitate an increase in the appropriation for the Department of Military Affairs' tuition assistance program; however, it would enable the department to assist more guard members within the appropriation. For the 2000-2001 academic year, the state community colleges and universities would have incurred a loss of \$112,000 in non-resident fees by classifying guard members as residents for tuition purposes. About \$70,948 would be in the university system, with the balance in the community colleges.

VI. Technical Deficiencies:

None.

VII. Related Issues:

Typically, the reason some of the members of the Florida National Guard do not qualify as residents for tuition purposes is they leave the state for active military duty and return to school in Florida before they have re-established residency.

VIII. Amendments:

None.

This Senate staff analysis does not reflect the intent or official position of the bill's sponsor or the Florida Senate.
